

March 19, 2018

EDWARD J. EMMONS, CLERK  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA



Signed and Filed: March 19, 2018

Jonathan C. Cahill (SBN 287260)  
jcahill@aldridgepite.com  
Joseph C. Delmotte (SBN 259460)  
jdelmotte@aldridgepite.com  
**PITE DUNCAN, LLP**  
4375 Jutland Drive, Suite 200  
P.O. Box 17933  
San Diego, CA 92177-0933  
Telephone: (858) 750-7600  
Facsimile: (619) 590-1385

A handwritten signature in black ink, appearing to read "Dennis Montali".

**DENNIS MONTALI**  
U.S. Bankruptcy Judge

Attorneys for Wells Fargo Bank, N.A.

**UNITED STATES BANKRUPTCY COURT**

**NORTHERN DISTRICT OF CALIFORNIA - SANTA ROSA DIVISION**

In re

CAROL L DEL ARROYO AND MARK  
WILLIAM DEL ARROYO,

Debtors.

Case No. 14-10316-DM

Chapter 13

R.S. No. RPZ - 296

**ORDER GRANTING RELIEF FROM  
STAY AFTER DEFAULT UNDER  
ADEQUATE PROTECTION ORDER**

450 Golden Gate Ave. 16<sup>th</sup> Floor  
San Francisco, CA 94102

An Order Granting Secured Creditor, Wells Fargo Bank, N.A. ("Secured Creditor"), Adequate Protection having been entered on the Court's docket on July 13, 2017, regarding the real property of Carol L Del Arroyo and Mark William Del Arroyo, ("Debtors") commonly known as 1517 Lupina Street, Napa, CA 94558, which is legally described as follows:

SEE LEGAL DESCRIPTION IN DEED OF TRUST  
ATTACHED AS EXHIBIT B TO MOTION FOR  
RELIEF FROM STAY, DOCKET ENTRY  
NUMBER 47

The Debtors having defaulted on the payments required under the Order, the Court having considered the documentary evidence before it, and good cause appearing therefor,

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:**

1           1)       The automatic stay of 11 United States Code Section 362 is hereby terminated as it  
2 applies to the enforcement by Secured Creditor of all of its rights in the real property under the  
3 subject Note and Deed of Trust;

4           2)       Secured Creditor is authorized to foreclose its security interest in the real property  
5 under the terms of the Note and Deed of Trust, and pursuant to applicable state law;

6           3)       Upon foreclosure, in the event Debtors fail to vacate the real property, Secured  
7 Creditor may proceed in state court for unlawful detainer pursuant to applicable state law;

8           4)       The 14-day stay described by Bankruptcy Rule 4001(a)(3) is waived as the court  
9 entered an Order for Adequate Protection on July 13, 2017, that provides for a waiver of this stay in  
10 the event that relief from the automatic stay is granted due to a default under the terms of the  
11 Adequate Protection Order;

12          5)       Upon entry of this Order, the Chapter 13 Trustee shall cease making any payments in  
13 regard to Movant's claim filed in this bankruptcy case;

14          6)       Secured Creditor may offer and provide Debtors with information re: a potential  
15 Forbearance Agreement, Loan Modification, Refinance Agreement, or other Loan Workout/Loss  
16 Mitigation Agreement, and may enter into such agreement with Debtors. However, Secured Creditor  
17 may not enforce, or threaten to enforce, any personal liability against Debtors if Debtors' personal  
18 liability is discharged in this bankruptcy case; and

19          7)       This Order shall be binding and effective despite any conversion of this bankruptcy  
20 case to a case under any other chapter of Title 11 of the United States Code.

21                               \*\*END OF ORDER\*\*

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**COURT SERVICE LIST**

Mark William Del Arroyo  
1517 Lupina St.  
Napa, CA 94558

Carol Lynette Del Arroyo  
1517 Lupina St.  
Napa, CA 94558